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REPRINTED FROM THE
New York Medical Journal
for April 8, 1893.



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ALLEGED CRIMINAL ABORTION;
THE CONSEQUENCES OF A HASTY ASSUMPTION.

ON December 22, 1892, S. J., a dressmaker, aged about twenty-eight, single, came to Dr. Adrian Y. Reid, complaining of bearing-down pains in the hypogastrium. She stated that her menses were some five weeks overdue, and that she had already thrice visited a physician, who had prescribed to bring on the flow, but had used no instruments upon her. The nature of the medicines which she had taken could not be ascertained. She simply blushed when asked if she had been "exposed."

The rational and other symptoms, which were completely canvassed, and examination, digital and with the speculum, failed to show anything inconsistent with her statement that she was suffering simply from irregular menstruation. The womb, on palpation, was found slightly enlarged, but the os was of normal outline and consistence and the mucous membrane of the vagina of a rose tint; a small drop of dark, grumous blood was oozing from the cervix, but still within it. There was no sign of sepsis. Dr. Reid directed the discontinuance of the medicines then being taken, prescribed an anodyne and complete rest for several days and the use of carbolized douches of warm water if the apparently coming discharge should prove foul or disagreeable, and instructed the patient to call again if she had not recovered by that time.

Fourteen days afterward, on January 5, 1893—a stormy and inclement day—she again presented herself, slightly paler than before, and with a six or seven days' vaginal discharge, which had been offensive from the beginning. Digital examination disclosed a decided septic odor, and there was a foetid mass, somewhat larger than a hazel-nut, protruding from the os. Home treatment being manifestly necessary, the patient was visited there within two hours. Examination failed to disclose any symptoms of peritonitis or constitutional symptoms of septicæmia. The usual antiseptic precautions having been taken, the foetid mass alluded to was removed by gentle manipulation; it seemed to be part of an ovum. The uterine cavity was carefully scraped clean with both sharp and blunt curette, putrid membrane and blood-clots coming away, and then washed with a bichloride-of-mercury solution (1 to 4,000), and packed with iodoform gauze. The patient was put to bed, complete rest was enjoined, and tonics and an invigorating diet were prescribed. Upon the 6th the packing was removed. All trace of sepsis was gone and the general condition of the patient decidedly improved. On the 7th the discharge was of simply lochial appearance. The parts were daily douched with five-per-cent. carbolyzed solution. This general treatment was continued till the 10th, when the patient was well enough to dispense with further personal attendance, and she was discharged, with instructions to douche twice daily with carbolyzed solution, and to maintain complete rest for several days. Elixir of phosphates of iron, quinine, and strychnine (Wyeth's preparation) was also prescribed.

The patient lived alone. During the course of the treatment she was frequently admonished to procure a nurse, always promised to do so, but never had one, except on one or two occasions, when a female friend remained a short while with her.

On the 14th Dr. Reid was again called, found the patient in bed, with a temperature of 102°, pulse 98, slight hypogastric tenderness, but no tympanites. She admitted that she had violated the doctor's instructions, had not rested, but had done her housework, scrubbed, and had gone into the hall, all in her stocking feet. This was during the coldest days in the January cold spell.

There was a slightly septic vaginal discharge. The womb was gently scraped with a blunt curette, but disclosed a smooth, uniform interior, with no focus of sepsis. It was washed with bichloride-of-mercury solution and packed as before. An anodyne was prescribed for present pain, and a carminative of equal parts of compound tincture

of cardamom seed and aromatic spirit of ammonia; in addition, topical applications of equal parts of flaxseed meal and mustard were ordered, to be followed by flaxseed-meal poultices with ground poppyheads; quinine in three-grain doses as a tonic, and turpentine stupes in case of tympanites. Absolute rest was directed, and the patient was strongly advised to enter a hospital at once. To this she demurred, and again promised to procure a nurse.

On the 15th the symptoms of peritonitis were aggravated. There was tympanites, with increased tenderness over the whole abdomen, a temperature of 102° , and pulse of about 104. The packing was removed; all trace of sepsis had disappeared from the uterus; it was washed with the carbolized solution and left unpacked. The patient was now peremptorily urged to go to a hospital, agreed to do so, and chose the Roosevelt Hospital. Her choice was approved of by the doctor, and she promised to send at once for an ambulance.

She did not keep her promise, however, for on the 16th the doctor was again summoned, and found her very tympanitic, and with a temperature of 103° and pulse of 115. The womb was found still aseptic, and was again washed with the carbolized solution. The patient was strongly chided for not having kept her word, and now promised more positively to do so; whereupon the doctor wrote and left with her, for delivery to the hospital authorities, the following letter:

“PHYSICIANS, *Roosevelt Hospital*.

“S. J., of — East Forty-fifth Street, is suffering from peritonitis following abortion—natural I believe—and is without proper care. She is able to pay something for your care, and at her desire I have recommended her to enter your hospital. I’ve found it necessary to scrape the womb twice, and wash it out each morning for a week. She has been indiscreet in being up and around immediately after her abortion, and not having the chills and other symptoms of septic peritonitis, I regard hers as idiopathic or catarrhal.

“Trust you may send for her at once and give her your best care.

“I am, yours respectfully,

A. Y. REID, M. D.

“104 LEXINGTON AVENUE, *January 16, 1893*.

“P. S.—Besides being treated antiseptically, she has had elix. phos. iron, quinine, and strych., two- and three-grain pills of quinine, every three or four hours. Morphine to relieve pain, hot topical applications; freely nourished by beef-tea, matzoon, gruels, etc.”

He directed that he be sent for if the patient was not speedily removed. She was all this time perfectly rational.

The letter was duly received at Roosevelt Hospital, and an ambulance was sent for her at once; but, as the hospital had at the time no facilities for the proper treatment of the case, the ambulance surgeon, Dr. Stone, notified the police of the case, and the patient was admitted to Bellevue Hospital at 7.55 P. M. There she came under the personal charge of Dr. W.

The policeman who called the ambulance at once reported the fact at his precinct station house, and Joseph O'Donohue, an officer on detective duty, called at about 9.30 on the same evening at the hospital, to investigate the case. Here, according to his testimony, he met Dr. W., who *"told me it was a criminal abortion, and he told me that if I arrested the doctor he would help me out with it—that there was too much of that carried on now."*

The detective conversed with the patient, *Dr. W. being present.* In answer to O'Donohue's questions, she declared, in substance, that one W—— was "the cause of her trouble"; that a girl whom she met on Lexington Avenue had recommended her to Dr. Reid, whose residence she gave to O'Donohue as nearly as her memory served; and that he had treated her, and had used an instrument on her, which she did not describe.

Upon Dr. W.'s statement and the declarations of the patient, O'Donohue sought Dr. Reid that night to arrest him, but failed to find his address. The next morning (the 17th) he again visited the patient, and asked her as to the truth of her statement of the night before. She now declared that it was not true. The officer thereupon left word for the coroner to take a statement from the patient, put under arrest W——, above mentioned [not Dr. W.], who had come to the station house to learn her condition, and obtained from Dr. W., for production at court, a written certificate, signed by him, as follows: "This is to certify that S. J. is suffering from peritonitis, and is not" [*sic*] "in condition to forbid removal from the hospital. Her condition is very critical, the result *apparently* of criminal abortion."

Armed with this certificate, O'Donohue and another detective, in company with W. [not Dr. W.], proceeded to Dr. Reid's house, where they arrested him between two and three o'clock in the afternoon. On inquiry, the doctor was told that he was charged with a criminal abortion upon S. J.; that she had made the charge, and that he had a certificate from the attending physician to the same effect. Dr. Reid thereupon expressed his surprise, and promptly *"denied performing any abortion at all. He stated that the girl came to him suffering from, I*

think, some womb trouble, and he examined her, and used instruments to scrape her womb, and he said that he would do the same to-morrow if anybody came suffering in that condition to him"; that she had previously been treated by another physician, and that he was a law-abiding citizen and would go with the officer, which he did. He was at once arraigned in the Yorkville Police Court, before Justice McMahon, to whom he made a fuller statement of his action in the case. In answer to a question, he informed the justice that he was a member of the County Medical Society. The justice paroled him, directing the officers, after the doctor's departure, to rearrest him in case of the girl's death.

Immediately upon his release Dr. Reid went to Bellevue Hospital to learn the ground of the charge against him. For this purpose he inquired of Dr. W., with whom he had an extended conversation, *detailing to him his treatment of the case. Dr. W. said that he knew of nothing that should have led to his arrest, and that he [Dr. W.] had done nothing that should have caused it.*

At 6.10 P. M. that day, according to the official record, the patient died. *She had made not a single statement receivable as evidence in a court of justice.* At about eight o'clock, without any additional evidence, Dr. Reid was again arrested at his house by the same officers. He was permitted to send for a neighboring friend to accompany him for the purpose of bail, and was then taken to the police station, where he was formally charged with a felony, based upon *the statement of the deceased and the certificate of Dr. W.*, which was exhibited to him. Bail was offered and refused, both at the station house and by the justice, to whose residence the friend above mentioned had been immediately dispatched. The doctor, after giving up several articles from his pockets, was taken to a cell in the prison. The night was very cold. The cell contained only a hard bench, with no covering. With much difficulty permission was obtained to have some bedclothes sent from the doctor's house, for warmth rather than sleep.

Next morning (the 18th) he was again arraigned in the police court before Justice McMahon and informed that he was now charged with manslaughter. After considerable delay, owing to counsel's absence, the judge, without hearing the case, referred it to the coroner, *saying that if it came back to him he would dismiss it.* Between twelve and one o'clock Dr. Reid was arraigned before Coroner Schultze, who, without making investigation, announced his intention of holding the doctor at once for the Grand Jury and the Court of General Sessions, on the ground that "the case was Coroner Messemer's." Counsel attending

for Dr. Reid asked that at least, instead of that course, the case be referred back to Coroner Messemer. The matter hanging in this posture of uncertainty, Dr. Reid interposed and personally made to the coroner the oft-repeated statement of his medical treatment, whereupon bail was accepted in the sum of \$2,500, and he was at last set at liberty, W. [not Dr. W.], arraigned at the same time, being held in custody.

The autopsy on the body of the deceased was made that same day, at about 4 P. M., at the Morgue, in the presence of Dr. Frank Ferguson, of the New York Hospital and the New York Post-graduate Medical School, Dr. Donlin and Dr. O'Hare, coroner's physicians, Dr. Reid, and Dr. H. P. Loomis, who attended at Dr. Reid's desire. The manual work of the autopsy was performed by Dr. Loomis, at the request of Dr. O'Hare.

Upon opening the abdominal cavity, the existence of general purulent peritonitis was at once apparent. There was a large quantity of pus upon the surface of the viscera, which floated in probably two gallons of sero-purulent fluid. There was a general agglutination of the organs within the cavity, which was, however, easily broken through by the hand of the operator. The mesenteric vessels were enlarged and of a purplish hue, the stomach and intestines, and particularly the vermiform appendix and cæcum, were carefully examined, but no possible channel for septic infection was there found. The connections of the womb were severed close to the pelvic walls, the vagina being cut across about an inch below the cervix, and the womb and appendages were taken in hand and subjected to careful scrutiny. Externally the womb, though slightly enlarged, was of normal post-mortem color. Internally no trace of sepsis was discovered; the os was slightly dilated, its margins were perfect, with no evidence of disease. The uterine walls had been thoroughly scraped—the left side about twice as deeply as the right. *The most careful examination showed no sign of puncture or laceration in any part of the womb or vagina or elsewhere.* The right Fallopian tube was somewhat enlarged in caliber and thickened in its walls, open at the fimbriated and closed at the uterine extremity, and contained a small amount of pus. The left tube was closed at both ends, and sacculated about midway. Upon incision, it gave forth about a teaspoonful of pus. The ovaries were enlarged to about twice their natural size, and upon incision presented throughout their stroma small collections of pus. *It was the opinion of all present that there was no evidence of abortion.* The deceased had evidently suffered from endometritis, salpingitis, and septic peritonitis.

The inquest was held on March 6th, before Coroner Messemer and the following jury: Dr. Paul F. Mundé, foreman; Dr. A. Palmer Dudley, Dr. H. J. Boldt, Dr. Egbert H. Grandin, Dr. H. Marion Sims, Dr. A. M. Jacobus, Dr. J. E. Janvrin, Dr. R. Van Santvoord, Dr. Henry C. Coe, Dr. J. R. Goffe, Dr. E. H. Peaslee, and Dr. J. L. Morrill.

As to all the facts foregoing there was practically no dispute. *Dr. W., who was present during the whole of the inquest, did not contradict any of the above-mentioned testimony relating to himself, although expressly informed that he could do so upon the stand, and that, moreover, Dr. Reid's counsel would cross-examine the witnesses as he desired—a courtesy of which he did not avail himself.*

As the only essential difference developed upon the hearing resulted from Dr. W.'s explanation of the circumstances under which the certificate was made, we have reserved till this point the testimony in that regard.

Dr. W. testified that he found the patient suffering from general peritonitis, with tenderness and extreme pain in the pelvis and lower abdomen, and tympanites, with the uterus slightly enlarged, but very clean and free from pus and sepsis, and that he desired to emphasize that fact; *that the condition of the uterus was "not such as would indicate criminality, but the very best treatment that such a case could have on the part of a physician"*; that he scraped and curetted the womb and packed it with iodoform gauze, and gave the patient the ordinary symptomatic treatment of peritonitis; that he treated the uterus as described, though clean, "because on examination, when there is nothing found in the vagina or the cervix is closed, if there are symptoms of peritonitis, and the slightest doubt of its having come from uterine sepsis, I consider it the very best treatment to examine the contents of the uterus. I obtained practically nothing by curetting; the uterus was very clean indeed."

Upon cross-examination he testified: "I can not swear that there had been a recent pregnancy; I judged so from the os being enlarged, which it never would have been in a normal condition. Nothing came away in the curetting which induced that belief. From that condition of the uterus I judged there had been an abortion; I do not pretend to say that it was criminal; I have never made any *absolute* statement as to that." Q. "Have you ever given a certificate one way or the other concerning that?" A. "I gave a statement once saying that she was sick with peritonitis, and I think it said 'apparently from criminal abortion' or 'from abortion'; I don't remember which; I can't say, for it was written very hurriedly; I gave that to a detective—O'Donohue;

I think it was at the same time the coroner took her statement, if I am not mistaken; *I gave it at the detective's urgent request, and not of my own motion.* I can not say whether I characterized it as a criminal abortion; I have no reason now to suppose there was a criminal abortion committed." [The certificate above mentioned was then produced and identified by the witness.] "When I wrote that certificate it was in accordance with my judgment; I would not permit my judgment to be overridden by the urgency of the detective. My judgment that this was a criminal abortion was formed partly from her condition, partly from the stories she told. The word 'apparently' I employed to show that *I was not at all clear that it was a criminal case; I had no evidence of it. I knew my certificate was to be used in court. I don't know whether I knew on that day that Dr. Reid was to be arrested.* I think I saw Dr. Reid that same day in the evening. *I don't know whether I said to him on that occasion that I knew no reason why he should be arrested; I may have said it.*" Q. "Did you say that you had done nothing which should have caused or led to his arrest?" A. "*I remember having a conversation with Dr. Reid on that subject, and I remember speaking to him of the case. I did not know any man who was concerned in the case. The woman didn't know the man to whom she had gone at first, before Dr. Reid, and inasmuch as I gave that statement concerning her condition, I did not think that it implicated Dr. Reid at all. There was no symptom which the woman herself gave from which I could say there was a criminal abortion. I took my statement as to the criminal abortion from the fact that I believed that there had been an abortion—that she was under arrest, and from her evidence that it had come on (she had taken pills, etc.)—it seemed further probable that her abortion had been presumably from some unknown cause. My judgment as to the criminality was based largely on what she said; there was no physical sign that induced me to think it was criminal; I will say frankly that it was entirely what she or somebody said to me. There was no laceration of the os or puncture of the vagina, and no sign on the woman's body which indicated a criminal abortion. It is my judgment to-day that there was no physical sign which warranted giving such a certificate. I formed the impression that she had been pregnant from the condition of the womb, its general tenderness and the tenderness of the pelvis, and the other symptoms I have described. She did not say she had been pregnant. She made a variety of statements which were somewhat conflicting. She said at first she thought she was pregnant, and then she thought she was not; but the history of the disease led me to think she had naturally had an abortion.*"

The testimony of O'Donohue touching Dr. W.'s statements and certificate, in addition to that above given, was as follows: "I went to Bellevue Hospital on the night of the 16th of January to investigate a suspicious case from the sergeant that was in command of the station house. I went down there, and found that this S. J. was assigned to Ward 22 in care of Dr. W., and I asked Dr. W. what he thought it was. *He said that it was a criminal abortion.* Next day I told Dr. W. that it was necessary for me to have a certificate *to take to court*; so Dr. W. gave me a certificate." Q. (By Dr. Boldt.) "I should like to ask one more question with regard to this particular certificate. Dr. W. made a statement here on the stand that he had been requested to give a certificate to the effect that the operation was apparently of criminal origin. Is that so?" A. "No, sir. This S. J. was also made a prisoner on account of her performing or being supposed to have had an operation performed on her, and she was to be assigned to the prisoner ward, but the doctor said no, that he would not allow her to be moved, that she was in too dangerous a condition; and then I told him that it was necessary for me to take a certificate *before the magistrate*, and he sat down and wrote that certificate. I did not urge the doctor to give me that certificate; no such thing. Dr. W. and all doctors know that it is necessary to have a certificate. *He gave that entirely of his own accord, after my simple statement that I wished a certificate to explain her absence in court. The first mention of the word 'criminal' in connection with the supposed abortion I heard from Dr. W., upon the first occasion when I called to see the girl, on the evening of the 16th.* I had that certificate when I first arrested Dr. Reid, and told him so."

It was, of course, the statements, oral and written, of Dr. W. which produced the arrest and imprisonment of Dr. Reid, even after his visit and conversation with Dr. W. The tone and substance of the verdict show how the jury were impressed by his testimony.

The hearing was unusually searching for a coroner's court. Dr. William S. Stone, of the Roosevelt Hospital, and all the officers connected with the case were examined. The autopsy was described by Dr. Reid, Dr. O'Hare, and Dr. Ferguson, and Dr. Reid detailed his treatment of the deceased. Professor William H. Thomson testified to the excellent professional reputation of Dr. Reid, and Dr. Horace T. Hanks and Dr. Joseph H. Gunning to the entire correctness of his treatment.

At the conclusion of the testimony the assistant district attorney in attendance declared "that the evidence absolutely has failed to disclose any criminal conduct on the part of Dr. Reid. On the contrary, it dis-

closes the fact that his professional conduct in this matter was entirely blameless and without reproach in this entire transaction; and the vindication that this jury can give to him is very little satisfaction for the injury and wrong that has been done to him."

The jury, after a brief charge, retired, and in a few minutes returned with the following verdict:

"The jury find unanimously that S. J., according to the evidence given, came to her death at Bellevue Hospital on January 17, 1893, and that, in accordance with the evidence likewise, the cause of death of said S. J. was general purulent peritonitis, in all probability following an abortion. We further find, also in accordance with the evidence, that there is no proof that such abortion was otherwise than natural, and we absolutely exonerate Dr. Adrian Y. Reid, the defendant, from any other than honorable professional connection with the case. In addition, we find that Dr. Reid's treatment was in accordance with that generally pursued in such cases. In conclusion, this jury desire to express their condemnation of an apparent too great readiness on the part of some persons connected with this case to incriminate, without sufficient evidence, a reputable physician, and thus subject him to the dignity of arrest and criminal prosecution."

Dr. Reid and W. were then discharged.

